

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOHN P. "JACK" FLYNN	:	
LESLIE A. FLYNN	:	
	:	
Plaintiffs,	:	
	:	
v.	:	<u>Case 1:21-cv-02587-GHW</u>
	:	
	:	<b>AMENDED COMPLAINT</b>
CABLE NEWS NETWORK, INC.	:	
	:	<b>JURY TRIAL DEMANDED</b>
Defendant.	:	
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Plaintiffs, John P. "Jack" Flynn and Leslie A. Flynn ("Plaintiffs" or the "Flynnns"), by counsel, pursuant to Rule 15(a)(1)(A) of the Federal Rules of Civil Procedure, file the following Amended Complaint against Defendant, Cable News Network, Inc. ("CNN").

Plaintiffs seek (a) compensatory damages and punitive damages in the sum of **\$75,000,000.00**, (b) prejudgment interest on the principal sum awarded by the Jury from January 6, 2021 to the date Judgment is entered pursuant to New York Civil Practice Law and Rules ("CPLR") § 5001, (c) attorney's fees, and (d) court costs – arising out of the Defendant's defamation and false light invasion of privacy.

**I. STATEMENT OF MATERIAL FACTS**

1. According to the Federal Bureau of Investigation ("FBI") and the Department of Homeland Security ("DHS"), "QAnon" is a "domestic violence extremist" ("DVE") group and a "domestic terrorism threat". The *Wall Street Journal* concludes that QAnon is a "far right-wing, loosely organized network and community of believers who embrace a range of unsubstantiated beliefs. These views center on the idea that a

cabal of Satan-worshipping pedophiles—mainly consisting of what they see as elitist Democrats, politicians, journalists, entertainment moguls and other institutional figures—have long controlled much of the so-called deep state government, which they say sought to undermine [President] Trump, mostly with aid of media and entertainment outlets.” On January 6, 2021, adherents of QAnon were among the “most prominent members of the mob” who stormed the United States Capitol in Washington, D.C. [https://www.wsj.com/articles/what-is-qanon-what-we-know-about-the-conspiracy-theory-11597694801?mod=article\\_inline](https://www.wsj.com/articles/what-is-qanon-what-we-know-about-the-conspiracy-theory-11597694801?mod=article_inline)]. CBS News’ *60 Minutes* recently represented that the violent “extremist ideology” of the QAnon “movement” has had a “corrosive impact” on the United States. [<https://www.cbsnews.com/news/qanon-conspiracy-united-states-60-minutes-2021-02-21/>].

2. In the wake of the January 6 storming of the Capitol, a chorus of left-wing media outlets began to spread false narratives about QAnon, including that Jack Flynn’s brother, retired Lieutenant General Michael T. Flynn (“General Flynn”), was the “founder” of QAnon. On January 31, 2021, CNN aired a “Special Report” hosted by Anderson Cooper entitled, “*Inside the QAnon Conspiracy*”. CNN called QAnon a “deranged conspiracy cult”. CNN stated that some of “Q’s conspiracy claims” were “actually based on age-old racist and anti-Semitic beliefs”. CNN asserted that QAnon, like the Nazis, promoted “ancient and dark biases and bigotry in World history”. CNN stated that QAnon supporters were detached from “reality” and had an utter “disregard” for the facts. CNN alleged that QAnon followers were mentally ill and crazy. CNN concluded that it was “abundantly clear” that QAnon was a “dangerous and violent movement” – a movement that has become “insurrectionist”.

3. On February 4, 2021, CNN falsely accused Plaintiffs of being “followers” and supporters of the “dangerous”, “violent”, “racist”, “extremist”, “insurrectionist”, “domestic terrorism” movement – **QAnon**.

4. CNN published an “exclusive” by reporter, Donie O’Sullivan (“O’Sullivan”), titled “*CNN Goes Inside A Gathering Of QANON Followers*”. In the piece, O’Sullivan falsely claimed that “where we go one, we go all” was an “infamous QAnon slogan promoted by Trump’s first National Security Advisor Michael Flynn”. In the O’Sullivan piece, CNN produced an edited clip from a video posted to Twitter by General Flynn on July 4, 2020. CNN emblazoned the edited clip with a chyron that endorsed the defamatory meaning of CNN’s statements:



The video was taken during a Fourth of July barbecue at Plaintiffs’ home in Newport County, Rhode Island. In the video, each member of the Flynn family, including Plaintiffs, individually took an oath to the United States Constitution, the same oath taken by Members of Congress. After finishing the oath to the United States Constitution,

General Flynn stated, “where we go one, we go all”.<sup>1</sup> Each family member repeated the phrase, as they had repeated each line of the oath to the Constitution. The entire family then exclaimed, “God Bless America”. In the clip used in the O’Sullivan piece, CNN intentionally edited out the oath to the United States Constitution and omitted the words “God Bless America”,<sup>2</sup> fraudulently making it appear and insinuating that Plaintiffs pledged an oath of allegiance to QAnon. CNN intended and endorsed the defamatory meaning.

5. In addition to its millions of TV viewers, CNN published the O’Sullivan “exclusive” to its 12,200,000 YouTube subscribers and to its 459,000 followers on Twitter:

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<sup>1</sup> According to some, the phrase “where we go one, we go all” was first engraved on a bell on one of President John F. Kennedy’s sailboats, acknowledging the unity of mankind. In his video published on July 4, 2020, General Flynn intended to encourage people to think about being good citizens, to love country and be good patriots. The video had nothing to do with QAnon or recruiting “digital soldiers” for an apocalyptic reckoning. [<https://www.washingtonexaminer.com/news/michael-flynn-recites-oath-of-office-using-slogan-associated-with-qanon>]. Others say that the phrase “where we go one, we go all” is inscribed on the bell of the 1911 brigantine rigged sailing ship *Eye of the Wind*. [[https://www.eyeofthewind.net/en/gallery-ship?os\\_image\\_id=335](https://www.eyeofthewind.net/en/gallery-ship?os_image_id=335)]. *Eye of the Wind* was used in the Ridley Scott-directed film *White Squall* (1996), where the ship was called *Albatross*. Captain Christopher Sheldon (played by actor Jeff Bridges) says in the film, “If we don’t have order, we have nothing. Where we go one, we go all.” Still others say that the phrase “where we go one, we go all” is similar to the Latin “*Unus pro omnibus, omnes pro uno*”, made famous in the Alexandre Dumas novel *The Three Musketeers* (1844) as “All for one, and one for all.” Plaintiff’s repetition of the phrase at the July 4, 2020 barbecue did not signify any kind of support for QAnon. It was not an oath of allegiance to QAnon, or any kind of oath at all. It was a simple, family, July 4 statement of support for each other.

<sup>2</sup> On July 7, 2020, CNN first published the video of the Flynn family’s Fourth of July oath. [<https://www.cnn.com/videos/politics/2020/07/07/michael-flynn-qanon-twitter-oath-video-orig-llr.cnn>; <https://www.cnn.com/2020/07/07/politics/michael-flynn-qanon-video/index.html>]. In an accompanying article written by Marshall Cohen, CNN noted that General Flynn’s Twitter post included the hashtag, **#TakeTheOath**, followed by an American Flag. CNN falsely claimed this was a “QAnon hashtag”.



[<https://mobile.twitter.com/CNNnewsroom/status/1357801350768308224>;

<https://www.youtube.com/watch?v=65q8J3Q8MIU>].

6. Plaintiffs are not followers or supporters of any extremist or terrorist groups, including QAnon. CNN falsely attributed to Plaintiffs associations that never existed, actions Plaintiffs never took, including an oath of allegiance or pledge to QAnon, and views Plaintiffs never held. Published in the aftermath of the storming of the U.S. Capitol, CNN's false attributions exposed Plaintiffs to public scorn, ridicule and contempt, and lowered their esteem in the community, causing insult, embarrassment, humiliation and substantial injury to Plaintiffs' reputations. Plaintiffs received notice from a friend that they had been featured on CNN:



Leslie Flynn

My girlfriend sent me this....we were on CNN this AM ... 🙄



To their chagrin and dismay, Plaintiffs have had to explain away CNN's hurtful misstatements, and defend their good standing and reputations in the community.

7. In this case, Plaintiffs seek presumed damages, actual damages, special damages and punitive damages as a result of CNN's false statements and actions.

## II. PARTIES

8. Plaintiffs are citizens of Rhode Island. They are both private individuals. Jack Flynn graduated from the University of Rhode Island in 1983 with a degree in Marine Affairs and a second concentration in Economics. He worked as a fisherman through college and afterwards for a time. He was a salesman for a seafood company called Prelude Foods for a few years. At the age of 28, Jack started his first seafood processing wholesale business. He has worked in the same type of seafood processing

and sales business ever since. He is now 64 years old, and is currently employed as General Manager of a seafood plant. Jack is afraid that he will be terminated for the first time in his life because of CNN's false allegation that Jack supports DVE and "domestic terrorist" organization, QAnon. Leslie Flynn has been a stay-at-home Mom for the past fifteen (15) years. She worked as a hairstylist and administrative assistant for a dentist. That's where she met Jack. Jack and Leslie have been married for 23 years. They raised 4 children. They have 3 grandkids. Until they were egregiously defamed by CNN, the Flynns enjoyed an untarnished reputation in the community.

9. Defendant, CNN, is a Delaware corporation, with a principal place of business in New York. CNN is a division of WarnerMedia. WarnerMedia is an operating segment of AT&T, Inc. CNN is part of WarnerMedia's "Turner" business unit. The Turner business unit operates television networks and related properties that offer branded news and other content for consumers in New York and around the world. Millions watch CNN. Turner's digital properties include the CNN digital network, [www.cnn.com](http://www.cnn.com). In addition to its massive digital footprint, CNN employs multiple social media accounts as a means to profit from the publication of its false statements. The broadcast, video and posts at issue in this case, identified above, were published and read in New York, where Plaintiffs suffered damage. *See, e.g., Keeton v. Hustler Magazine, Inc.*, 465 U.S. 770, 776 (1984) ("[f]alse statements of fact harm both the subject of the falsehood **and** the readers of the statement ... The tort of libel is generally held to occur wherever the offending material is circulated. Restatement (Second) of Torts § 577A, Comment a (1977). The reputation of the libel victim may suffer harm even in a state in which he has hitherto been anonymous. The communication of the libel may create a

negative reputation among the residents of a jurisdiction where the plaintiff's previous reputation was, however small, at least unblemished."").

### **III. JURISDICTION AND VENUE**

10. The United States District Court for the Southern District of New York has subject matter jurisdiction over this action pursuant to Title 28 U.S.C. § 1332 (Diversity). The parties are citizens of different States and the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

11. CNN is at home in New York, and is subject to the Court's general personal jurisdiction.

12. Venue is proper pursuant to 28 U.S.C. §§ 1391(b)(1) and 1391(b)(2).

### **COUNT I – DEFAMATION *PER SE***

13. Plaintiffs restate paragraphs 1 through 12 of this Amended Complaint, and incorporates them herein by reference.

14. For several years, Jack and Leslie had Twitter accounts. Jack's Twitter handle was @GoJackFlynn. On January 7, 2021, Jack left Twitter. He explained why:





On or about January 8, 2021, Twitter terminated Jack's account.

15. On February 26, 2021, CNN doubled-down on its opposition research about QAnon – talking points intended to injure the reputations of anyone associated with QAnon. In yet another “Special Report” hosted by Anderson Cooper, CNN reiterated that QAnon was a “cult”. Cooper repeated that QAnon espoused ideas that were based on “anti-Semitic, anti-Catholic tropes that have been used [by] ... the Nazis”. Cooper emphasized that “[t]rusting the plan was an important part of QAnon belief”.<sup>3</sup> Cooper drew analogies between QAnon and the “terror group ISIS”. Cooper concluded the Special Report by stating that “the cult of QAnon shows us that even the most ludicrous and disturbing ideas can find an audience online. And in the real world, the results can be tragic.” [<http://transcripts.cnn.com/TRANSCRIPTS/2102/26/csr.01.html>].

16. Viewed in context, CNN made, published and republished false factual statements of or concerning Plaintiffs. Using an edited video clip and a flashy chyron, CNN falsely stated or implied and insinuated that Plaintiffs had predilections towards or were linked to and involved in or with the violent extremist group QAnon. CNN manufactured a relationship and connection between Plaintiffs and QAnon that never existed. Indeed, on August 21, 2020, Jack tweeted that “I don’t know who or what Q is so there’s that. But no ones hurting each other its civilized encouraging people to learn independently supports trump and the constitution. So. WTF. #WWG1WGA”

17. CNN published the false statements without privilege of any kind.

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<sup>3</sup> During a podcast on February 8, 2021, General Flynn dismissed multiple QAnon “theories”. He made it clear that “there’s no plan ... there’s so many people out there asking, ‘is the plan happening?’” General Flynn told the audience, “we have what we have, and we have to accept the situation [with the Presidential election] as it is”. <https://podcasts.apple.com/us/podcast/general-michael-flynn-interview/id1518325298?i=1000507956615> (22:02)].

18. CNN's statements are materially false. Plaintiffs are not and never have been followers, supporters or adherents of the QAnon terrorist/extremist group. Plaintiffs never took or pledged an oath of allegiance to QAnon. There is a material difference between CNN's false statements and the truth. CNN falsely attributed to Plaintiffs an affiliation/association, beliefs and views that Plaintiffs have never had.<sup>4</sup> The false

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<sup>4</sup> CNN might as well have accused Plaintiffs of being supporters and followers of ISIS, the Proud Boys, the Ku Klux Klan, or the Nazis. *See Boulger v. Woods*, 917 F.3d 471, 483 (6<sup>th</sup> Cir. 2019) (the tweet at issue was reasonably susceptible to a defamatory meaning—that “Woods was asserting Boulger was the woman giving the Nazi salute”); *Liberty Lobby, Inc. v. Anderson*, 1991 WL 186998, at \* 9 (D. D.C. 1991) (“The Court finds that the implication that Carto emulates Hitler in appearance or action is defamatory and that the record could support a reasonable jury finding that the defendants published these allegations with actual malice”); *Lovejoy v. Mutual Broadcasting System*, 220 S.W.2d 308, 314 (Tex. App. 1948) (statement that “plaintiff was a Nazi and Hitler sympathizer” if untrue was “libelous per se”); *Goldberg v. CBS*, 205 N.Y.S.2d 611, 613 (N.Y. Sup. 1960) (plaintiff suffered damages by reason of “involuntary defamation by implication” after being associated with a rigged game show); *Van Wiginton v. Pulitzer Pub. Co.*, 218 F. 795, 796-797 (8<sup>th</sup> Cir. 1914) (“When the picture of one person is used as that of another, whose character, conduct, or relations are made the subject of a publication, the imputation is that the original of the picture is the person mentioned in the text. In this case the imputation was that the plaintiff was the daughter of a convicted murderer, the circumstances of whose crime and defense were as set forth in the published article ... In the law of libel the social standing of a person is regarded as of value, and damage is implied from a false and unprivileged publication which tends to impair it, to make him contemptible or ridiculous, or to deprive him of the confidence, good will, or esteem of his fellow men. In determining whether the false imputation tends to impair the social standing of a person, or to affect injuriously his opportunities of social intercourse, the customs and standards of society are to be regarded. In other words, society is to be taken as it is, with its recognized prejudices, without determining whether they are well founded in reason or justice. For example, all reasonable persons would agree that grave injury might be done by falsely and widely publishing of a young woman of good character that she was the illegitimate daughter of dissolute, criminal parents, though the social prejudice excited against her personally could not be sustained in reason”); *see also MacElree v. Philadelphia Newspapers, Inc.*, 544 Pa. 117, 674 A.2d 1050 (Pa. 1996) (in reading the statement that plaintiff was “David Duke of Chester County running for office by attacking Lincoln”, a “reasonable person could conclude that this was an accusation that appellant was abusing his power as the district attorney, an elected office, to further racism and his own political aspirations”); *but compare Allen v. Beirich*, 2019 WL 5962676, at \* 6 (D. Md. 2019) (plaintiff did not dispute the underlying factual assertions – namely, his ties to a white supremacist group).

statements are defamatory. *See Masson v. New Yorker Magazine, Inc.*, 501 U.S. 496, 510-511 (1991) (“False attribution of statements to a person may constitute libel, if the falsity exposes that person to ... [hatred, contempt, ridicule, or obloquy, or ... causes him to be shunned or avoided, or ... has a tendency to injure him in his occupation]... A fabricated quotation may injure reputation in at least two senses, either giving rise to a conceivable claim of defamation. First, the quotation might injure because it attributes an untrue factual assertion to the speaker ... Second, regardless of the truth or falsity of the factual matters asserted within the quoted statement, the attribution may result in injury to reputation because the manner of expression or even the fact that the statement was made indicates a negative personal trait or an attitude the speaker does not hold.”). CNN’s false statements would have had a different effect on the minds of readers from that which the truth would have produced. *See, e.g., Murphy v. Boston Globe, Inc.*, 449 Mass. 42, 865 N.E.2d 746, 758 (Mass. 2007) (“The jury were warranted in finding that the portion of the story quoting the plaintiff as saying, ‘She is [fourteen]. She got raped. Tell her to get over it,’ would lead one to believe the judge was indifferent, and even callous, to crime victims who appeared before him, and especially demeaning to the rape victim. The difference between the statement attributed to the plaintiff in the Herald articles, and the statement that Crowley testified he told Wedge the plaintiff had made, cannot, as matter of law, be characterized as a minor discrepancy”).

19. CNN’s false statements constitute express defamation or defamation by implication. The statements accuse and impute to Plaintiffs an unfitness to perform the duties of an office or employment for profit, including being members of a dangerous, violent, insurrectionist, domestic terrorist organization. CNN exposed the Flynnns to

threats of bodily and emotional harm from persons hell-bent on exposing “QAnon”. CNN exposed Jack to the hazard of losing his job, and rendered him odious and unfit or less fit to fulfill the duties of General Manager of an international seafood business. CNN’s false statements were neither fair nor accurate.<sup>5</sup>

20. By broadcasting the false statements on cable television and publishing the statements on the Internet *and* republishing via social media, CNN knew or should have known that the false statements would be republished over and over by third-parties to Plaintiffs’ detriment. Republication by CNN’s followers, subscribers, readers, other media outlets, and by users of Twitter was the natural and probable consequence of CNN’s actions and was actually and/or presumptively authorized by CNN. In addition to its original publications, CNN is liable for the republications of the false and defamatory statements by third-parties under the republication rule.

21. CNN’s false and defamatory statements jeopardized Plaintiffs’ safety and harmed Plaintiffs and their reputations,<sup>6</sup> causing presumed damages, actual damages, special damages and pecuniary loss. In addition to the pain, emotional suffering, insult, embarrassment, humiliation, and injury to reputation, CNN’s publication caused career damage, loss of future earnings, impaired and diminished earning capacity.

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<sup>5</sup> The defamatory nature of CNN’s false statements associating Plaintiffs with QAnon is evidenced by the wholesale condemnation of QAnon in House Resolution 1094, passed on October 2, 2020. [<https://www.congress.gov/116/bills/hres/1094/BILLS-116hres1094ih.pdf>].

<sup>6</sup> Plaintiffs are not the only ones to be harmed by the mere association with QAnon. Recently, *Politico* published an account of the ordeal of Ezra Cohen-Watnick. <https://www.politico.com/news/2021/01/19/qanon-trump-ezra-cohen-watnick-460520> (“Cohen described being caught in a kind of ideological tag team as early speculation by right-wing QAnon followers that he was Q evolved into left-wing obsession with proving that he was the fraudster behind the postings”).

22. CNN lacked reasonable grounds for a belief in the truth of its statements, and acted negligently in failing to determine the true facts. CNN failed to contact Plaintiffs prior to publication and had no independent evidence to corroborate that Plaintiffs were followers or supporters of QAnon because none exists.

23. CNN published the false and defamatory statements with actual or constructive knowledge that they were false or with reckless disregard for whether they were false. CNN acted with actual malice and reckless disregard for the truth:

a. CNN knew their statements about Plaintiffs were false. Based upon its review of Jack Flynn's Twitter account (@GoJackFlynn) and Leslie Flynn's Twitter account (@lflynn1998), CNN knew there was no basis for linking Leslie or Jack to any domestic violent extremist groups, including QAnon. CNN knew that Jack questioned what was wrong with the statement "where we go one, we go all?? ANYONE??:



CNN knew that Jack advocated for the Constitution and the Bill of Rights, and “if Q does too ~ No harm no foul”:



CNN knew that Jack embraced the Constitution and equal justice under the law, as he stated in tweet after tweet, not the dangerous, extremist, racist, anti-Semitic and violent beliefs espoused by QAnon – a domestic terror organization condemned by the House of Representatives, the FBI and DHS:





CNN knew that Jack had tweeted messages that denied basic tenets of the QAnon movement, *e.g.*:



Because of its prior reporting and its review of Jack's entire Twitter account,<sup>7</sup> CNN knew that Jack regularly retweeted users who supported the United States of America and its Constitution and Laws, who supported President Trump, the Republican Party and Conservative causes, and, most importantly, who supported General Flynn in his legal battle for freedom and against corruption. Jack did not use QAnon slogans or code language or retweet users because they had a "Q" in their handle. He retweeted Candace Owens, Herschel Walker, Harmeet Dhillon, Dr. Stella Immanuel, Jenna Ellis and others – voices trying to make America a better place. CNN had no factual basis to accuse Jack of

<sup>7</sup> Even though Twitter censored and terminated Jack's account, Jack's tweets and retweets are preserved through the Wayback Machine: <http://web.archive.org/>.

being an adherent of QAnon based on the content of his tweets and retweets. CNN also knew that Jack used different hashtags<sup>8</sup> from time to time in his Twitter profile and sometimes in tweets – hashtags such as #TheReckoning, #BeautifulBlackSky,<sup>9</sup> #SignTheDamnDismissal, #MAGA, #KAG2020, #BuyGoya, #BeSilentNoMore,

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<sup>8</sup> A hashtag is a keyword or a phrase used to describe a topic or a theme, which is immediately preceded by the pound sign (#). Hashtags target a subject and help other users find the topic. A hashtag automatically becomes a clickable link when it is tweeted. Anyone who sees the hashtag can click on it and be brought to a page featuring the feed of all the most recent tweets that contain that particular hashtag.

<sup>9</sup> The phrase “beautiful black sky” appears in the book, *The Threat*, written by disgraced former FBI Deputy Director, Andrew McCabe (“McCabe”). It has nothing to do with QAnon. In the book, McCabe recounts that General Flynn seemed “completely normal” when he was being interviewed by agents of the FBI, even when, on three occasions, General Flynn looked out the window and remarked to the agents, “what a beautiful black sky”. General Flynn’s statement inspired musician J.T. Wilde to write and publish a song titled, *Beautiful Black Sky*, that begins as follows:

J.T. Wilde - Beautiful Black Sky

Sometimes a Storm is needed  
To clean out all of the snakes  
When the warning is not heeded  
And there is nothing left to take...

What a beautiful black sky  
Un-Covering all of their lies  
sweet revenge takes time  
Where do you draw the line  
Nothing can stop it  
It's on the way  
We gave you warnings  
As clear as day  
Such a beautiful black sky

#WeFightBack, #FightBack, #DigitalSoldiers,<sup>10</sup> #BeNotAfraid, #HoldTheLine, #NotAddingUp, #NeverConcede, #TeamSidney, and #IStandWithFlynn. The hashtags largely tracked developments in General Flynn’s legal case, Flynn family resolve, and the 2020 Presidential Election. In reviewing Jack’s retweets, CNN also reviewed the tweets of General Flynn’s attorney, Sidney Powell, Esquire (“Powell”). Powell was at the barbecue on July 4, 2020. Powell, a former Federal prosecutor, made it crystal clear to CNN in a series of tweets that the oath taken by the Flynn family was not an oath or pledge to QAnon. On July 6, 2020, Powell tweeted the following:

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<sup>10</sup> The phrase “Digital Soldiers” was coined by General Flynn, and was first used on November 14, 2016 during a speech to the Young America’s Foundation, in which General Flynn described the 2016 Presidential Election as a “digital election”. General Flynn stated that “we have an army of digital soldiers ... because this was an insurgency folks ... This was irregular warfare at its finest in politics ... We have what we call citizen journalists ... The American people decided to take over the idea of information, and they did it through social media”:



[<https://www.youtube.com/watch?v=W0CThXL37Jk>]. “Digital Soldiers” is clearly not a QAnon slogan.







**Sidney Powell** 🇺🇸 ★★ ★ @SidneyPowell1 · 2h

#TakeTheOath and the #PledgeOfAllegiance are recited by #Patriots to remind ourselves of all the GOOD this country & #Americans stand for 🇺🇸

The #Constitution

The unique Republic it created 🇺🇸

Freedom

Liberty

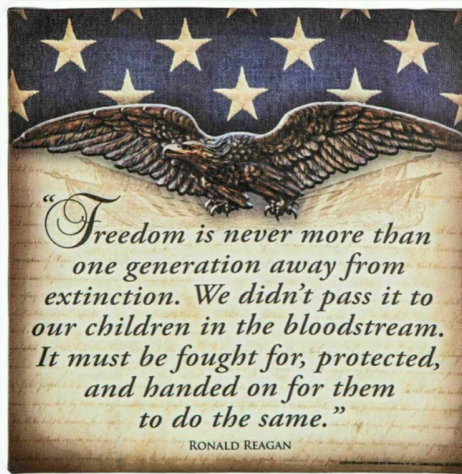
Opportunity

The #RuleOfLaw

Justice for all 🇺🇸

@GenFlynn

@lofly727



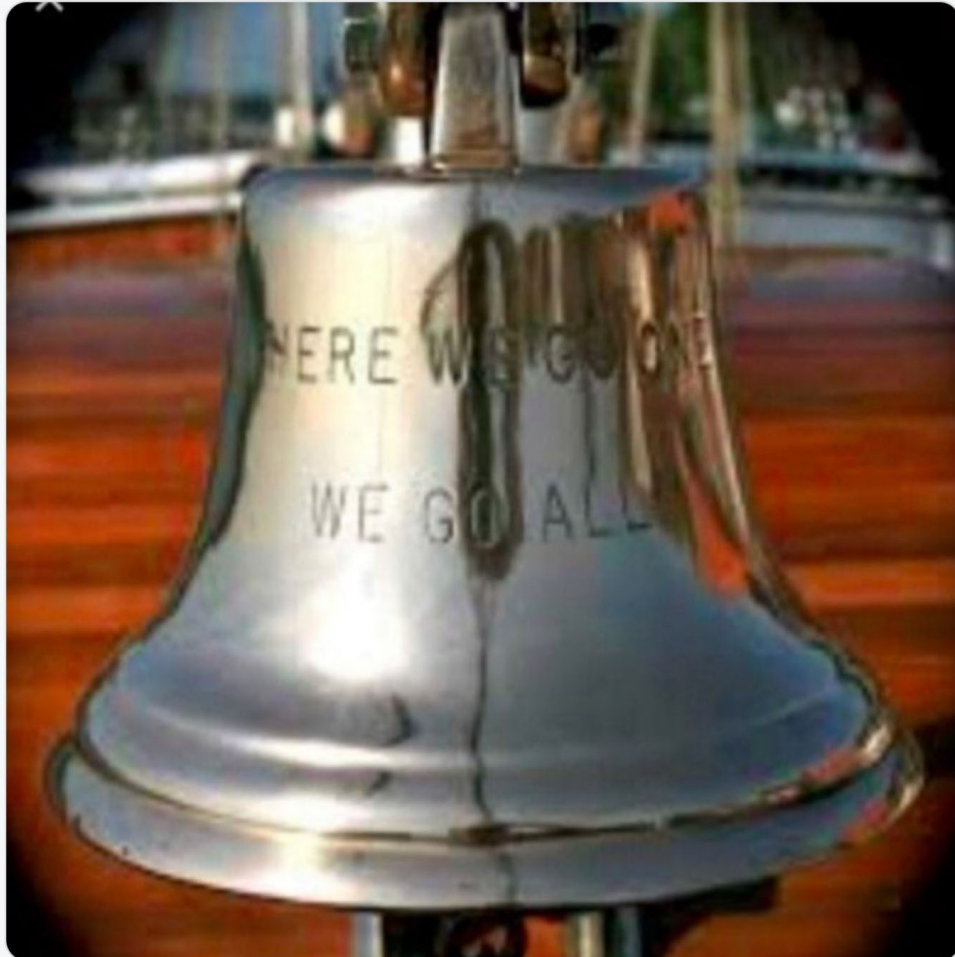
👤 Dan Bongino, Barbara(Flynn) ★★ ★ Redgate #WhoLeakedGenFlynn, Jenna Ellis and 7 others





**Sidney Powell** 🇺🇸 ★★★★★ @SidneyPowell1 · 2h

The #FLYNN family & legal team appreciate the support in all forms we have received from countless #Patriots everywhere. The short phrase recited at the end represents the sentiments expressed by John Donne in For Whom The Bell Tolds. Those who would make it into a "conspiracy



👤 Dan Bongino, Barbara(Flynn) ★★★★★ Redgate #WhoLeakedGenFlynn, Jenna Ellis and 6 others

 **Sidney Powell** 🇺🇸 ★★★★★ @SidneyPowell1 · 2h

theory" of any kind or anything negative are really grasping for straws. We love this great country & our fellow man. We salute the [#flag](#) & [#StandUp](#) for all that is good & true.

As Donne wrote:

"No man is an island, entire of itself; every man is a piece of the continent,"



**“AMERICA WAS NOT BUILT  
ON FEAR. AMERICA WAS  
BUILT ON COURAGE,  
ON IMAGINATION AND  
AN UNBEATABLE  
DETERMINATION TO DO  
THE JOB AT HAND.”**

 Dan Bongino, Barbara(Flynn) ★★★★★ Redgate [#WhoLeakedGenFlynn](#), Jenna Ellis and 7 others



**Sidney Powell** 🇺🇸 ★★ ★ @SidneyPowell1 · 2h

"a part of the main.

If a clod be washed away by the sea, Europe is the less, as well as if a promontory were, as well as if a manor of thy friend's or of thine own were: any man's death diminishes me, because I am involved in mankind,"

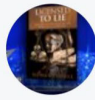
I DO SOLEMNLY SWEAR THAT I WILL  
SUPPORT & DEFEND THE  
CONSTITUTION OF THE UNITED STATES  
AGAINST ALL ENEMIES, FOREIGN AND  
DOMESTIC; THAT I WILL BEAR TRUE  
FAITH AND ALLEGIANCE TO THE SAME;  
THAT I TAKE THIS OBLIGATION FREELY,  
WITHOUT ANY MENTAL RESERVATION  
OR PURPOSE OF EVASION; & THAT I WILL  
WELL & FAITHFULLY DISCHARGE THE  
DUTIES OF THE OFFICE ON WHICH I AM  
ABOUT TO ENTER: SO HELP ME GOD.

@moreCowbell

WWG1WGA

👤 Dan Bongino, Barbara(Flynn) ★★ ★ Redgate #WhoLeakedGenFlynn, Jenna Ellis and 7 others





**Sidney Powell** 🇺🇸 ⭐⭐⭐⭐ @SidneyPowell1 · 2h

"and therefore never send to know for whom the bell tolls; it tolls for thee."

Our country is at a crossroad 🇺🇸

We will [#StandUp](#) & protect our Freedom in every way we can 🇺🇸

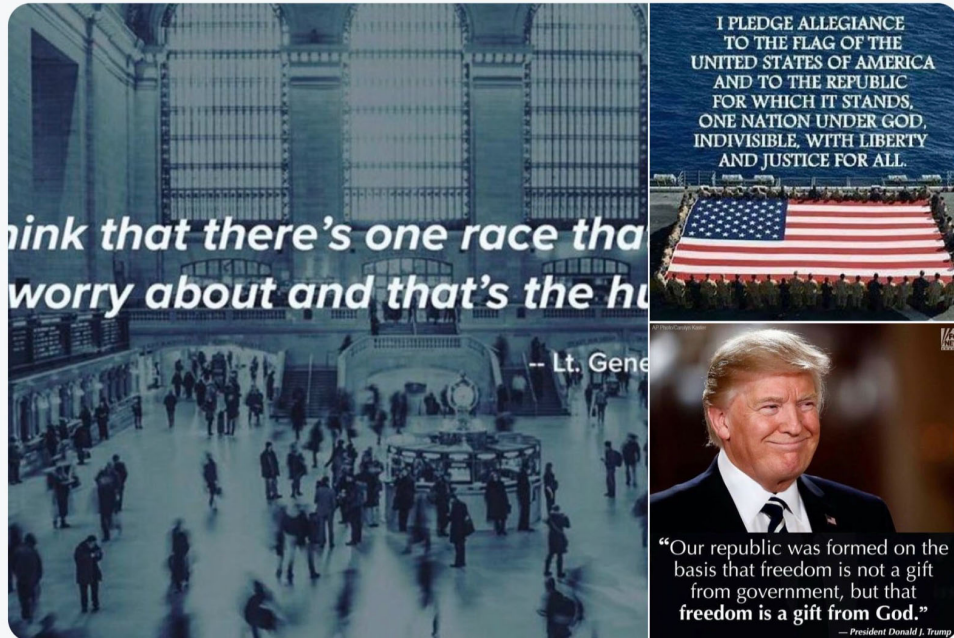
We pledge allegiance to our 🇺🇸

We defend the [#Constitution](#) 🇺🇸

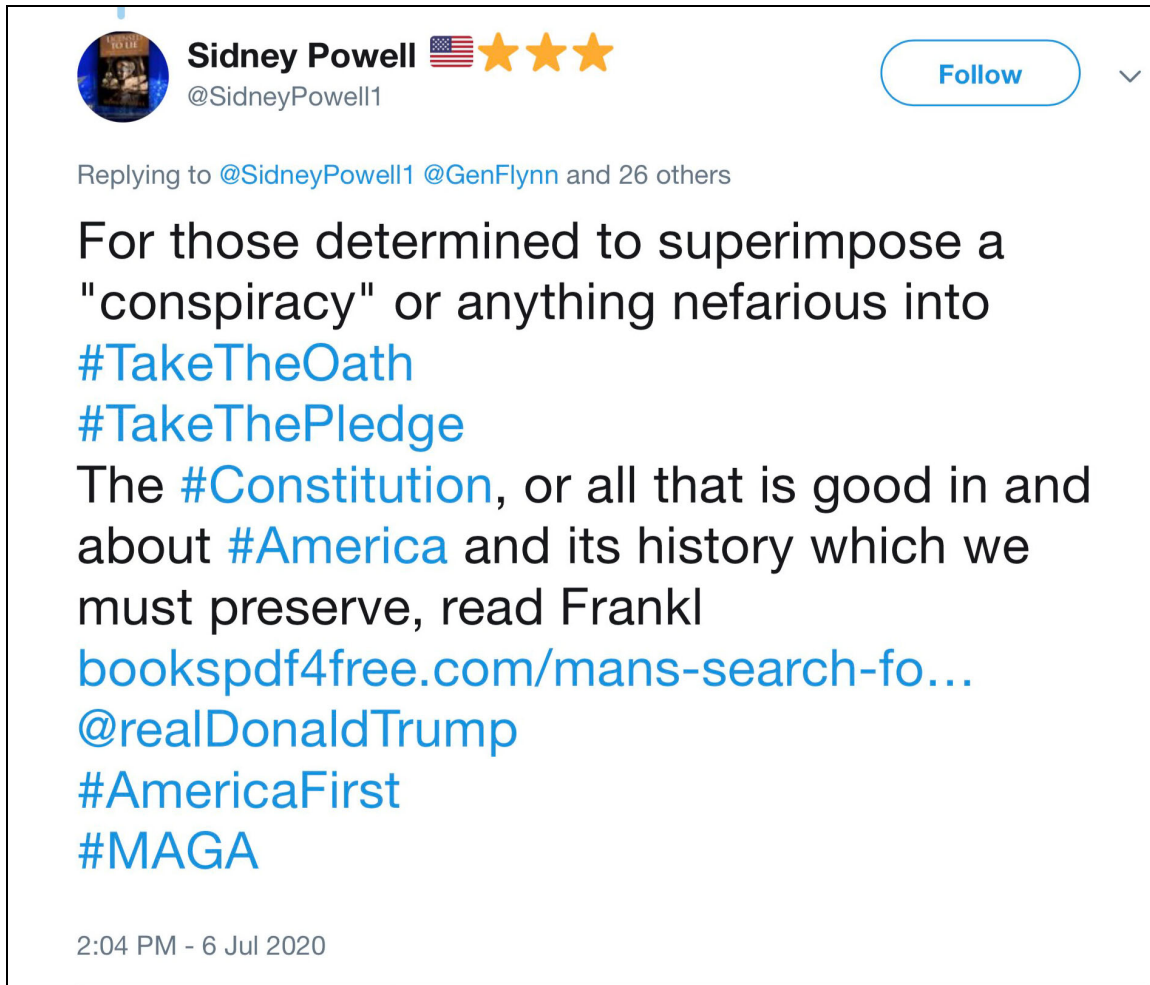
[#DefendAmerica](#)

[#DefundTheMob](#)

[@realDonaldTrump](#)



👤 John Solomon, Sara A. Carter, Gregg Jarrett and 7 others



In spite of its actual knowledge, CNN misrepresented that Plaintiffs followed and supported QAnon and pledged allegiance to this extremist group.

b. At a time when it was heavily promoting a narrative about violent DVE QAnon, CNN deliberately altered the video posted by General Flynn to his Twitter account in order to associate Plaintiffs with the QAnon domestic terrorists and extremists, and, thereby, convey a defamatory meaning as to Plaintiffs. The edits were deliberate and were made by editors and producers who were following a preconceived propaganda narrative (crafted by CNN President Jeff Zucker) to link the Flynn family members to the violent extremist group QAnon. This was not the first time CNN peddled falsehoods to injure someone and destroy their reputation. They did it during the 2020 Presidential

election. [<https://nypost.com/2021/04/13/cnns-charlie-chester-says-network-peddled-anti-trump-propaganda/>].

c. In the wake of the storming of the Capitol, CNN's statements were intentionally extreme and outrageous. CNN knew that publication would cause a media frenzy. CNN deliberately and recklessly conveyed a false narrative about Plaintiffs to sensationalize the news. *Tomblin v. WCHS-TV8*, 2011 WL 1789770, at \* 5 (4<sup>th</sup> Cir. 2011) (unpublished) ("on the question of whether WCHS-TV8 deliberately or recklessly conveyed a false message to sensationalize the news and thus to provide factual support for a finding of malice, there are disputed facts"). Knowing that its statements about the Flynn's were false, CNN intentionally published false statements in order to increase ratings, viewership and profits. CNN's decision to promote a baseless narrative about the Flynn's was part of a deliberate corporate policy that emanated from Zucker.

d. CNN is an agent of the Democratic Party and a Democratic Party trumpet. CNN recruits, hires and promotes journalists who share its extreme ideology and political viewpoints. CNN harbors an institutional animosity, hostility, hatred, extreme bias, spite and ill-will towards the Flynn family, and, in particular, General Flynn. This animosity, bias, prejudice and desire to harm motivated CNN to publish the intentionally false statements and insinuations about Plaintiffs at issue in this case. CNN intended to inflict harm through knowing or reckless falsehoods. CNN published the false statements as part of a broad, pretextual, premeditated and ongoing disinformation campaign against General Flynn orchestrated by political operatives and agents of the Democratic National Committee ("DNC") for whom CNN acts as a surrogate and bullhorn. CNN fears General Flynn. The purpose of the national smear campaign is to



impair or abrogate General Flynn's ability to run for political office in 2022 or 2024 or his ability to support another candidate for office. In furtherance of the scheme, CNN uses its broadcast and publishing empire, political influence and international reach to attack General Flynn and his family at each opportunity, and to sow seeds of distrust in the minds of the voting public about General Flynn by publishing false narratives and talking points provided by Democratic operatives. The attacks upon General Flynn and Plaintiffs are part of CNN's regular way of doing business. Plaintiffs were and are collateral damage in CNN's defamation scheme.

e. CNN abandoned all journalistic standards and integrity, including CNN's own standards and code of ethics, in writing, editing, and publishing the false narrative. CNN did not seek the truth or report it. They betrayed the truth to sensationalize the news for self-glory, profit and politics. Rather than minimize harm to Plaintiffs, CNN set out to inflict maximum pain and suffering on Plaintiffs in order to harm Plaintiffs' reputations and belittle and besmirch General Flynn. CNN never once considered the long-term implications or the extended reach and permanence of the false accusation that Plaintiffs were affiliated with a domestic violence extremist group. CNN did not care. It intended to hurt Plaintiffs.

f. Upon information and belief, CNN and O'Sullivan have deleted or discarded their notes and other documents that laid out the plan to smear the Flynn family in a deliberate effort to conceal the fact that they knew there were inaccuracies in the reporting. This inference, in turn, provides a strong basis for a finding of actual malice.

g. CNN reiterated, repeated and excessively caused the publication and republication of the false and defamatory statements and imputations out of a desire to hurt Plaintiffs and to permanently stigmatize them.

24. As a direct result of CNN's defamation, Plaintiffs suffered presumed damages, actual damages and special damages, including, but not limited to, insult, pain, embarrassment, humiliation, emotional suffering, injury to their reputations, lost future earnings and diminished earning capacity, costs and other out-of-pocket expenses, in the sum of \$75,000,000.00 or such greater amount as is determined by the Jury.

**COUNT II – FALSE LIGHT INVASION OF PRIVACY**

25. Plaintiffs restate paragraphs 1 through 24 of this Amended Complaint, and incorporates them herein by reference.

26. By publishing the false statements on TV, online, and via social media, and by causing the republication of the statements by third-parties, CNN generated substantial publicity about the false statements of or concerning Plaintiffs. CNN ascribed to Plaintiffs actions and associations that did not exist and beliefs Plaintiffs have never held. By associating Plaintiffs with QAnon – a domestic violence extremist group – CNN placed Plaintiffs in a false light that would be offensive to any reasonable person. Given the universal condemnation of QAnon, the association published or implied would be objectionable to the ordinary reasonable man under the circumstances.

27. CNN had knowledge of or acted in reckless disregard as to the falsity of the publicized matter and the false light in which Plaintiffs would be placed by the false statements. As a result of CNN's false statements, the entire Flynn family, including Plaintiffs, were universally condemned and threatened on Twitter by political operatives,

such as Democratic Coalition co-founder and executive director, Scott Dworkin [<https://twitter.com/funder/status/1367176264436621381>] (“The entire Flynn family needs to be investigated”)], who took advantage of the false light in which CNN placed the Plaintiffs. *See also* <https://twitter.com/jimstewartson/status/1369338757682503689> (“Mike Flynn is currently engaged in active treason and should be exposed in the press and arrested immediately. [...] There is no reason to believe he will stop short of active violence”); <https://twitter.com/jimstewartson/status/1367146263414640643> (“‘General Flynn’ was one of the people ‘concerned about the optics’ of bringing in the National Guard while a bunch of nazis and Qultists were attacking the Capitol”); <https://twitter.com/jimstewartson/status/1358961740826910720> (“In case you needed any more proof that the FLYNN family are a despicable pack of propagandists.”); <https://twitter.com/BaddCompani/status/1374786218882260994> (“Donald Trump and Don Jr have Lawyered up for their part in the Insurrection To the Flynn Family hint hint. INCOMING!!”).

28. CNN’s actions constitute a false light invasion of Plaintiffs’ privacy.

29. As a direct result of CNN’s false light invasion of privacy, Plaintiffs suffered presumed damages, actual damages and special damages, including, but not limited to, insult, pain, embarrassment, humiliation, emotional suffering, injury to their reputations, lost future earnings and diminished earning capacity, reasonable attorney’s fees, court costs and other out-of-pocket expenses, in the sum of \$75,000,000.00 or such greater amount as is determined by the Jury.

Plaintiffs allege the foregoing based upon personal knowledge, public statements of others, and records in their possession. Plaintiffs believe that substantial additional evidentiary support, which is in the exclusive possession of CNN, Cooper, O'Sullivan, their agents and other third-parties, will exist for the allegations and claims set forth above after a reasonable opportunity for discovery.

Plaintiffs reserve their right to amend this Complaint upon discovery of additional instances of CNN's wrongdoing.

### **CONCLUSION AND REQUEST FOR RELIEF**

WHEREFORE, Plaintiffs respectfully request the Court to enter Judgment against CNN as follows:

- A. Compensatory damages in the sum of \$75,000,000.00;
- B. Punitive damages in the maximum amount allowed by law;
- C. Prejudgment interest on the principal sum awarded by the Jury at the maximum rate allowed by law from January 6, 2021 until Judgment is entered;
- D. Postjudgment interest;
- E. Reasonable attorney's fees, court costs and other recoverable amounts as allowed by law;
- F. Such other relief as is just and proper.

### **TRIAL BY JURY IS DEMANDED**

DATED: May 7, 2021

JOHN P. "JACK" FLYNN  
LESLIE A. FLYNN

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